

THE CONVENTION ON BIOLOGICAL DIVERSITY

The Convention on Biological Diversity (CBD), known informally as the Biodiversity Convention, is a multilateral treaty.

The Convention has three main goals including:

1. the conservation of biological diversity (or biodiversity);
2. the sustainable use of its components; and
3. the fair and equitable sharing of benefits arising from genetic resources.

In other words, its objective is to develop national strategies for the conservation and sustainable use of biological diversity. It is often seen as the key document regarding sustainable development.

The Convention was opened for signature at the Earth Summit in Rio de Janeiro on 5 June 1992 and entered into force on 29 December 1993.

IMPORTANCE OF CBD

CBD is a land mark in international law on environment because:

- For the first time it recognized that the conservation of biological diversity is “a common concern of humankind” and is an integral part of the development process.
- It covers all ecosystems, species, and genetic resources.
- It links traditional conservation efforts to the economic goal of using biological resources sustainably.
- It sets principles for the fair and equitable sharing of the benefits arising from the use of genetic resources, notably those destined for commercial use.
- It also covers the rapidly expanding field of biotechnology, addressing technology development and transfer, benefit-sharing and bio-safety.

Since the Convention is legally binding; countries that join it are obliged to implement its provisions.

National Biodiversity Strategies and Action Plans (NBSAPs) are the principal instruments for implementing the Convention at the national level (Article 6). The Convention requires countries to prepare a national biodiversity strategy (or equivalent instrument) and to ensure that this strategy is mainstreamed into the planning and activities of all those sectors whose activities can have an impact (positive and negative) on biodiversity.

IN INDIA:

The National Environment Policy, 2006, seeks to achieve balance and harmony between conservation of natural resources and development processes and also forms the basic framework for the National Biodiversity Action Plan.

The objectives of the NBAP are broad-based and relate to current perceptions of key threats and constraints to biodiversity conservation and are as follows.

1. Strengthening and integration of in situ, on-farm and ex situ conservation
2. Augmentation of natural resource base and its sustainable utilization; Ensuring inter and intra-generational equity
3. Regulation of introduction of invasive alien species and their management
4. Assessment of vulnerability, and adaptation to climate change and desertification
5. Integration of biodiversity concerns in economic and social development
6. To prevent, minimize and abate impacts of pollution
7. Development and integration of biodiversity databases
8. Strengthening implementation of policy, legislative and administrative measures for biodiversity conservation and management
9. Building of national capacities for biodiversity conservation and appropriate use of new technologies
10. Valuation of goods and services provided by biodiversity and use of economic instruments in the decision-making processes
11. International cooperation to consolidate and strengthen bilateral, regional and multilateral cooperation on issues related to biodiversity.

Two protocols to CBD are

1. NAGOYA PROTOCOL
2. CARTAGENA PROTOCOL ON BIOSAFETY

NAGOYA PROTOCOL

The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity is a supplementary agreement to the Convention on Biological Diversity.

It provides a transparent legal framework for the effective implementation of one of the three objectives of the CBD: the fair and equitable sharing of benefits arising out of the utilization of genetic resources.

Its objective is the fair and equitable sharing of benefits arising from the utilization of genetic resources, thereby contributing to the conservation and sustainable use of biodiversity.

The Nagoya Protocol was adopted in 2010 and is a legally binding protocol. It addresses the problem source countries of genetic resources by recognizing their right to get a share in benefits reaped by foreign bioprospectors.

RIGHT OF PARTIES TO NAGOYA PROTOCOL

A source country has right to benefit from any commercial application of its bioresources. Such benefits may include:

- Share in Cash profits
- Sample of what was collected
- Participation or training of national researchers.
- Transfer of biotechnology

The Nagoya Protocol reaffirms that a sovereign country has full rights on its genetic resources and use of its bioresources should be done only by mutual consent.

It provides legal certainty and transparency and also covers Traditional Knowledge.

OBLIGATIONS OF PARTIES TO NAGOYA PROTOCOL

Under the Nagoya Protocol, there are certain requirements or obligations, which each country is required to fulfill:

- Every country should create clear and unambiguous legal framework around access of its genetic sources. This framework should have clear laws, rules, procedures etc.
- Every country should make clear that its consent is taken while accessing its bioresources and terms on which monetary or non-monetary benefits are to be shared. The terms should be mutually agreed and both the contracting parties must have access to justice.

Other Important Notes on Nagoya Protocol

- The protocol is legally binding and open to only CBD ratified countries. (Excludes US)

The protocol is applicable only when a country's bio-resources are 'used'. 'used' means to conduct research and development on the genetic and/or biochemical composition of genetic resources.

- Covers derivative products of bio resources including drugs, antibodies, vitamins, enzymes, active compounds and metabolites; however, term derivatives is not explicitly expressed.
- Does not apply to Human Genetic Material
- Does not make reference to patents or other Intellectual property rights.

CARTAGENA PROTOCOL ON BIOSAFETY

The Cartagena Protocol on Biosafety of the Convention, also known as the Biosafety Protocol, was adopted in January 2000.

The Biosafety Protocol seeks to protect biological diversity from the potential risks posed by living modified organisms resulting from modern biotechnology.

It is a legally binding protocol as part of CBD and is related to "Biosafety measures"

i.e. Biosafety concerns related to import & export of Living Modified Organisms (LMOs) and commodities made from them. There are two major components of Cartagena Protocol viz. Advanced

Informed Agreement (AIA) Procedure and Biosafety Clearing House.

i) Advanced Informed Agreement (AIA)

AIA under the Cartagena Protocol ensures that the countries are provided with the information necessary to make informed decisions before agreeing to the import of

Living Modified Organisms into their territory.

ii) Biosafety Clearing House

Biosafety Clearing-House facilitates the exchange of information on living modified organisms and to assist countries in the implementation of the Protocol.

ii) Rights of parties of Cartagena Protocol

Every country, which is a party to Cartagena Protocol on Biosafety as the following rights:

- To be told in advance if they are importing something that contains LMOs or commodities made of LMOs. This is done via the Advanced Informed Agreement.

If they don't want to accept such imports, they will inform the world community via communicating the Biosafety Clearing House.

- All commodities which may contain LMO elements should be clearly labeled by exporters.
- The exporter of such commodity must inform the importing country in advance the shipment will contain LMOs. The importer must authorize such shipment.

- Importing country has both opportunity and the capacity to assess risks involving the products of modern biotechnology.
- The protocol allows the countries to ban import of LMOs.

The Biosafety Protocol makes clear that products from new technologies must be based on the precautionary principle and allow developing nations to balance public health against economic benefits. It will for example let countries ban imports of a genetically modified organism if they feel there is not enough scientific evidence the product is safe and requires exporters to label shipments containing genetically modified commodities such as corn or cotton.

AICHI TARGETS

The 'Aichi Target' adopted by the Convention on Biological Diversity (CBD) at its Nagoya conference.

In the COP-10 meeting, the parties agreed that previous biodiversity protection targets are not achieved, So, we need to do come up with new plans and targets The short term plan provides a set of ambitious yet achievable targets, collectively known as the Aichi Targets.

Strategic Goal A: Address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society

Strategic Goal B: Reduce the direct pressures on biodiversity and promote sustainable use.

Strategic Goal C: To improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity

Strategic Goal D: Enhance the benefits to all from biodiversity and ecosystem services

Strategic Goal E: Enhance implementation through participatory planning, knowledge management and capacity building

The IUCN Species Programme provides advice to Parties, other governments and partners on the implementation of the Strategic Plan for Biodiversity and it's Aichi Biodiversity Targets (2011 – 2020), and is also heavily involved in work towards the Targets themselves.